

# Agenda

## Item #3



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0135

To: Commissioners

From: Jonathan Wayne, Executive Director

Date: March 21, 2011

Re: Request for Waiver of Late-Filing Penalty by Patricia R. Jones

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On December 9, 2010, former State Representative Patricia R. Jones registered as a lobbyist for the Maine Dental Hygienists Association. She was required to file her first monthly lobbyist report on January 18, 2011. For that deadline, the PAC/Party/Lobbyist Registrar Cindy Sullivan e-mailed a reminder to all lobbyists on January 7, 2011. The required report covered the month of December 2010.

Ms. Jones did not file the report on the January 18 deadline. On the following day, Cindy Sullivan sent a routine non-filer letter (attached). Ms. Jones filed the report on January 20, 2011.

Under 3 M.R.S.A. § 319(2), any lobbyist who fails to file a registration or report on time may be assessed a fine of \$100 for every month the person is delinquent in filing the registration or report. The statute states that "[t]he Commission may waive the penalty in whole or in part if the Commission determines the failure to register or report was due to mitigating circumstances." The statute does not define mitigating circumstances.

Ms. Jones requests a waiver because she is "new to this process and was having difficulties with accessing the electronic reports on-line." She filed the reports due in February and March on time using the Commission's electronic filing system.

The Commission staff is sympathetic to Ms. Jones as a first-time filer. Nevertheless, the Commission generally has not granted waivers of late-filing penalties to lobbyists for their monthly reports, unless they had a particularly good reason.

Ms. Jones is expected to attend your March 31 meeting and will be able to provide you with more information, if you would like.

Thank you for your consideration of this memo.

**Pat Jones  
Lobbyist  
172 Wings Mills Road  
Mt. Vernon, Maine 04352**

January 20, 2010

Commission on Governmental Ethics  
and Governmental Practices  
135 State House Station  
Augusta, Maine  
04333-0135

Dear Commission Members:

I am writing to apologize for the lateness of my lobbying report for December, 2010. I am new to this process and was having difficulties with accessing the electronic reports on-line. I have since contacted your office and got help to complete the report and have sent it in.

I am requesting that you wave the fee and I assure you that future reports will be on time now that I know how to do them. If you have further questions feel free to contact me at ([pjone000@roadrunner.com](mailto:pjone000@roadrunner.com)) or 242-2565.

Sincerely yours,

A handwritten signature in cursive script that reads "Pat Jones".

Pat Jones



STATE OF MAINE  
COMMISSION ON GOVERNMENTAL ETHICS  
AND ELECTION PRACTICES  
135 STATE HOUSE STATION  
AUGUSTA, MAINE

04333-0135

January 19, 2010

**BY CERTIFIED MAIL AND REGULAR MAIL**

Patricia Jones  
172 Wings Mills Road  
Mount Vernon, Maine 04352

Re: Maine Dental Hygienists Association

Dear Ms. Jones,

Our records show that your December monthly lobbyist disclosure report has not been filed to date. The monthly report, due on the 15<sup>th</sup> of every month – or the next business day if the 15<sup>th</sup> falls on a weekend or holiday, is required to be filed electronically by all lobbyists registered with the Commission by 11:59 p.m. The **December** report was due by 11:59 p.m. on January 18, 2011.

In addition, 3 M.R.S.A. §319(1) states that any person who fails to file a timely report may be assessed a penalty of \$100 for every month the person is delinquent in filing the report; thus, to date your penalty is **\$100**. If you agree with this preliminary determination, you may use the attached billing statement to pay that penalty within 30 days of the date of this notice

However, if you have a valid reason for filing late, you may request a final penalty determination by the Commission. The Commission will notify you of the disposition of your case within 10 days after its determination.

**To avoid further penalty, you should file the report as soon as possible.** Pursuant to 3 M.R.S.A. § 319(1-A), any person who fails to file a report or pay a fee may be suspended from further lobbying by written notice of the Commission until such failure is corrected. Please direct any questions you may have about this matter to me at (207) 287-6221.

Sincerely,

Cindy Sullivan  
PAC, Party & Lobbyist Registrar

Cut Along Dotted Line

To: Commission on Governmental Ethics and Election Practices  
135 State House Station  
Augusta, Maine 04333

From: Patricia Jones. Lobbyist for:  
Maine Dental Hygienists Association

For Office Use Only Account: CGEEP Fund: 014 Appr: 01
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Re: Penalty for late filing of the December 2010 monthly lobbyist disclosure report (\$100)

Amount Enclosed: \$ \_\_\_\_\_

*Please Make Check or Money Order Payable to:*  
**Treasurer, State of Maine**

Check/M.O. No.: # \_\_\_\_\_

OFFICE LOCATED AT: 45 MEMORIAL CIRCLE, AUGUSTA, MAINE  
WEBSITE: WWW.MAINE.GOV/ETHICS

PHONE: (207) 287-4179

FAX: (207) 287-6775

### **3 MRSA § 319. PENALTY**

**1. Failure to file registration or report.** Any person who fails to file a registration or report as required by this chapter may be assessed a fine of \$100 for each person listed or who should have been listed on the lobbyist registration for every month the person fails to register or is delinquent in filing a report pursuant to section 317. The commission may waive the penalty in whole or in part if the commission determines the failure to register or report was due to mitigating circumstances.

**1-A. Notice of suspension.** Any person who fails to file a report or pay a fee as required by this chapter may be suspended from further lobbying by written notice of the commission until such failure is corrected.

**2. [repealed]**

**3. Exemption.** Notwithstanding section 317, subsection 1, a registered lobbyist is exempt from the penalty imposed under this section if, while the Legislature is convened in special session, the lobbyist failed to file a report with the commission pursuant to section 317 if no lobbying has been performed during that special session.